

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

KAMAL CHARIF,)	CASE NO. 4:09 CV 2439
)	
Petitioner,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
)	<u>AND ORDER</u>
BUREAU OF PRISONS, <u>et al.</u> ,)	[Resolving Doc. 5.]
)	
Respondents.)	

On April 1, 2010, the Court dismissed Petitioner Kamil Charif’s petition for a writ of *habeas corpus* pursuant to 28 U.S.C. §2241 without prejudice for Petitioner’s failure to exhaust administrative remedies. Petitioner has filed a “Motion to Reconsider.” (Doc. 5.) Petitioner states that he “would like to appeal” the Court’s order but “does not know what ground to do so, because [the Court] did not explain its reasons for the denial.”

Although the Federal Rules of Civil Procedure do not expressly recognize a “motion for reconsideration,” federal courts generally treat such motions as a motion to alter or amend judgment pursuant to Rule 59(e) if the motion is filed within ten days of the judgment entry, or, if the motion is filed beyond the ten-day Rule 59(e) time limit, as a motion for relief from judgment under Rule 60(b). Petitioner’s motion was not filed within ten days of the judgment entry in this case; therefore, the motion will be considered as a motion for relief from judgment under Rule 60(b).

“As a prerequisite to relief under Rule 60(b), a party must establish that the facts of [his] case are within one of the enumerated reasons contained in Rule 60(b) that warrant relief from judgment.”

Johnson v. Unknown Dellatifa, 357 F.3d 539, 542-43 (6th Cir. 2004). Petitioner's motion stating that he does not know on what ground to appeal does not attempt to invoke or apply any of the grounds stated in Rule 60(b). The Court finds no basis under Rule 60(b) for granting Petitioner relief from its order dismissing Petitioner's section 2241 petition based on Petitioner's failure to exhaust administrative remedies. The Court's April 1, 2010 Memorandum of Opinion and Order states the reasons for dismissal of Petitioner's petition.

For the reasons stated above, Petitioner's "Motion to Reconsider" is denied. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Dated: May 12, 2010

s/John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE